

**To:** Margo Ludmer (ludmer.margo@epa.gov)[ludmer.margo@epa.gov]; Doyle, James[Doyle.James@epa.gov]  
**From:** Daly, Eric  
**Sent:** Wed 9/14/2016 5:22:21 PM  
**Subject:** 738 Upper Mountain Road Site  
[738 Upper Mountain Road Pre-Remedial SI 2014.pdf](#)  
[Hon. Schumer Niagara Rad Sites FINAL 8-8-16.pdf](#)  
[738 Upper Mountain Road Aerial & Zoning Maps.pdf](#)

Good Afternoon:

If we are staying true to managements desire to maintain the same team with the Niagara County radiological site, **I assume Margo is the lead attorney for our newest addition, 738 Upper Mountain Road (UMR) Site?** Please confirm.

I don't want to assume you both are completely familiar with this site, so a brief history. This was one of the four radiological sites referred to us from NYS in 2013. However, unlike Niagara Falls Boulevard, Holy Trinity Cemetery and Canadian Radium & Uranium Sites, the UMR Site did not get transferred to my team for further assessment and removal. Meaning, the initial risk assessment and removal site evaluation conducted by RAB OSC Nick Magriples/Lora Smith (Risk Assessor) concluded that a removal was not warranted. However, due to the fact that our team did not assess (utilizing the PRG risk calculator), the recent news articles/broadcasts on the Niagara County radiological hot spots, the letter to EPA Administrator from Senator Schumer and EPA's response to the senator (Attached), my team has been requested to evaluate the existing data and potentially perform additional assessment work.

For reference, I have attached Pre-Remedial's Site Investigation report. This is a strange situation. The actual property owner of the contaminated area in question (driveway) is not the property owner of the resident that utilizes the driveway for their home. I have attached some maps to help illustrate this.

I have just made contact with Sam Talarico who is the representative for Talarico Bros. Building Corp (TBBC). This is the owner of the contaminated property. Mr. Talarico responded to my initial inquiry but wanted to include his attorney right from the start. I asked him to provide any information regarding previous environmental assessments on your property (private or local/state agency), who and when the radioactive material was placed on the property, provide any aerial maps indicating your property boundaries and if the property in question is indeed utilized by a residence as a driveway. I also informed him that our attorneys can speak with his attorney regarding any legal questions if requested. So this is the main reason for this email. Preparation for a possible email/phone call with this property owner attorney.

I am still attempting to get in contact with John Grace. The representative who lives at 738 Upper Mountain Road and the person who was interviewed for the most recent TV broadcast regarding what isn't being done regarding the contamination.

Below is the information to charge for the UMR Site. Thanks

**Site ID: A23N**

People Plus info

2016 T 02D 303DC6 A23NRS00

<u>5934602016 T 02D</u>	<u>UPPER MOUNTAIN ROAD - REMOVAL</u>
<u>303DC6 A23NRS00</u>	<u>ASSESSMENT - SITEWIDE -</u>

Regards,

Eric

"We must, indeed, all hang together, or assuredly we shall all hang separately", Benjamin Franklin

Eric M. Daly

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